IN THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

| In re: ELIZABETH THOMAS | § | Case No. 23-34971 |
|-----------------------------|----------|-------------------|
| Debtor | § | (Chapter 13) |
| | § | |
| Elizabeth Thomas et al, | § | |
| <i>App</i> ellants | § | |
| VS. | § | |
| | § | |
| PCF Properties in Texas LLC | § | |
| | § | |
| Apellees | § | |

MOTION FOR ENTRY OF AGREED ORDER CONDITIONING AUTOMATIC STAY [AND CODEBTORS STAY] REGARDING A CIVIL PROCEEDING

THIS IS A MOTION FOR ENTRY OF AN AGREED ORDER CONDITIONING THE AUTOMATIC STAY. IF YOU OBJECT TO THE GRANTING OF RELIEF, YOU SHOULD CONTACT THE MOVANT IMMEDIATELY TO TRY TO REACH AN AGREEMENT. IF YOU CANNOT REACH AN AGREEMENT, YOU MUST FILE A WRITTEN RESPONSE AND SEND A COPY TO MOVANT WITHIN 14 DAYS OF THE DATE THIS WAS MAILED TO YOU. IF NO TIMELY OPPOSITION IS FILED, THE COURT MAY GRANT THE RELIEF WITHOUT A HEARING.

- 1. Movant James M. Andersen (Co-Debtors),
- 2. t Elizabeth Thomas (debtor).
- 3. Creditor: PCF Properties in Texas LLC.
- 4. The Movant, James M. Andersen Debtor Elizabeth Thomas, Co-Debtor James Allen, Allan Haye, Robert L. Thomas (the "Appellants") and the Creditor PCF Properties in Texas LLC (the "Appellee") are all parties to Appeal pending before the First Court of Appeals of Houston under cause No. 01-23-00331-CV.
- 5. On December 19, 2023, the Movant, James M. Andersen Debtor Elizabeth Thomas, Co-Debtor James Allen, Allan Haye, Robert L. Thomas (the "Appellants") and the Creditor PCF Properties in Texas LLC (the "Appellee") after reaching a binding settlement agreement as to all claims filed a motion to dismissal the appeal as moot.
- 6. The motion seeks relief as the Movant, James M. Andersen Debtor Elizabeth Thomas, Co-Debtor James Allen, Allan Haye, Robert L. Thomas (the "Appellants") and the Creditor PCF Properties in Texas LLC (tbe "Appellee") as stated above on December 18, 2023, entered a binding settlement agreement as to all claims now seeks the First Court of Appeals of Houston to rule on their pending motion to dismiss.
- 7. .The Creditor PCF Properties in Texas LLC (the "Appellee"), is represented in the First Court of Appeals by *Alzadia L. Spires*, *Esq.*, Managing Partner of the Spires Law Firm, Attorney Spires does not have a SBN number in the U.S. Southern District Courts Movant has conferred with Attorney Spires whom along with the Creditor/Appellee PCF Properties in Texas LLC., do not oppose this motion,
- 8. Movant, Debtor, Co-Debtors and Creditor have agreed to condition the automatic stay pursuant to the terms of the attached agreed order. Accordingly the parties request entry of the agreed order.

Date: February 1, 2024.

Respectfully submitted,

THE JAMES M. ANDERSEN LAW FIRM

/s/James M. Andersen

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Certificate of Conference

On January 31, 2024, the Movant James M. Andersen conferred with Attorney Alzadia Spires counsel of record for the Creditor PCF Properties in Texas LLC in the First Court of Appeals in Houston as to whether she agrees with Creditor PCF Properties in Texas LLC with the filing of this motion and counsel agreed.

<u>/s/James M. Andersen</u> James M. Andersen

Certificate of Service and Certificate of Compliance with BLR 4001

A copy of this motion was served on the persons shown on exhibit "1" at the addresses reflected on that exhibit on January 31, 2024 by prepaid United States first class mail. Movant certifies that movant has complied with Bankruptcy Local Rule 4001.

/s/James M. Andersen
James M. Andersen

CREDITORS MATRIX

Southern District of Texas
FILED

DEC 1 9 2020

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Nathan Ochsner, Clerk of Court

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